

copy of the IDS filed on November 27, 2002 with EP 0805500A1 being initialed, indicating that it has been fully considered and made of record.

Further, the Examiner did not provide any copy of the Information Disclosure Statement filed on March 26, 2003 (courtesy copy with stamped post-card enclosed herein). Accordingly, it is respectfully requested that the Examiner please provide an initialed copy of the IDS filed on March 26, 2003, indicating that each of the 8 references cited therein have been fully considered and made of record.

REMARKS

Claims 1-4, 6-10, 13 and 14 stand rejected under 35 U.S.C. § 103 as being unpatentable over Tsuda et al. ('216) in view of Keller et al. and Sugiura et al.. This rejection is respectfully traversed for the following reasons. As a preliminary matter, it is noted that there are two patents to Sugiura et al. on the record ('896 and '084; *see* IDS filed on March 26, 2003) so that clarification as to which the Examiner is relying on is respectfully requested. Further, the Examiner has not formally cited Tsuda et al. on the record, but relies on Tsuda et al. in the body of the rejection under 35 U.S.C. § 103.

In order to clarify this issue, Applicants' representative contacted Examiner Fourson to conduct a telephone interview. Applicants and Applicants' representative would like to thank Examiner Fourson for his courtesy in conducting the interview and for his assistance in resolving issues. During the interview, the Examiner indicated that U.S. patent to Tsuda et al. (USP No. 6,452,216) was inadvertently not formally cited in a PTO-892 form, and was intended to be relied on as the primary reference in the § 103 rejection. The Examiner further clarified that Keller et al. and Sugiura et al. were intended to be

relied on as secondary teaching references for alleging obviousness of the "recited amounts of NH₃ and hydrogen in the cooling atmosphere of the process of Tsuda et al."


However, it is respectfully submitted that Tsuda et al. is not prior art to the present application. Tsuda et al. has a U.S. filing date of September 11, 2001, whereas the present application has a U.S. filing date of October 10, 2000. Accordingly, it is respectfully requested that the rejection of claims 1-4, 6-10, 13 and 14 under 35 U.S.C. § 103 over Tsuda et al. in view of Keller et al. and Sugiura et al. be withdrawn.

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,
MCDERMOTT, WILL & EMERY

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Date: June 10, 2003

INFORMATION DISCLOSURE CITATION IN AN APPLICATION

 ATTY. DOCKET NO.
43890-449

 SERIAL NO.
09/680,943

 APPLICANT
Hidenori KAMEI, et al.

 FILING DATE
October 10, 2000

 GROUP
2815 2823

U.S. PATENT DOCUMENTS

| EXAMINER'S INITIALS | PATENT NO. | DATE | NAME | CLASS | SUBCLASS | FILING DATE |
|---------------------|------------|-----------|----------------|-------|----------|-------------|
| G | 5,891,790 | 4/6/1999 | Keller et al. | — | — | |
| G | 6,051,847 | 4/18/2000 | Oku et al. | — | — | |
| G | 5,932,896 | 8/3/1999 | Sugiura et al. | — | — | |
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FOREIGN PATENT DOCUMENTS

| EXAMINER'S INITIALS | PATENT NO. | DATE | COUNTRY | CLASS | SUBCLASS | Translation | |
|---------------------|-------------|-----------|---------|-------|----------|-------------|----|
| | | | | | | Yes | No |
| | EP0805500A1 | 11/5/1997 | Europe | | | | |
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OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

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EXAMINER

FOURSON

DATE CONSIDERED

4/5/03

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

 RECEIVED
 JUN 1 2003
 TECHNICAL CENTER 2800

Applicant: Hidenori KAMEI, et al.Docket No. 43890-449Title: P-TYPE NITRIDE SEMICONDUCTOR AND METHOD OF
MANUFACTURING THE SAMESerial/Reg./Patent No. 09/680,943Date Sent: 3/26/2003☒ Hand Carried☐ Fax☐ Electronic☐ Cert. of Mailing☐ Express Mail No. _____☐ Transmittal Letter

New Patent App

☐ Utility☐ Design☐ Cont☐ CIP☐ Div.☐ PCT☐ CPA☐ RCE☐ Prov☐ Other: _____

_____ pages of Specification

_____ pages of Claims

_____ pages of Abstract

_____ pages of Formal/Informal Drawings

☐ Small Entity☐ Large Entity☐ Declaration/Power of Attorney☐ Recordation of Assignment/Security Agreement☒ Information Disclosure Statement

x Form PTO 1449

8 copies of cited references

☐ Preliminary Amendment☐ Response to Missing Parts Notice☐ Resp. to Notice to Correct App. Papers☐ Certified Copy of Priority Doc.☐ Claim for Convention Priority☐ Response/Amendment to Office Action of _____☐ Request for _____ month Extension of Time☐ Letter submitting _____ pages of drawings☐ Req. for Approval of Drawing Amendments☐ Req. for Oral Hearing☐ Not. of Appeal ☐ Appeal Brief☐ Reply Brief☐ Rule 312 Amendment/Letter☐ Req. for Acknowledgement of Cited Art☐ Issue Fee☐ Publication Fee☐ Req. for Certificate of Correction☐ Maintenance Fee for _____ years after grant☐ Fee Address Indication Form _____☐ Terminal Disclaimer☐ Petition to Commissioner☐ Status Inquiry☐ Other _____

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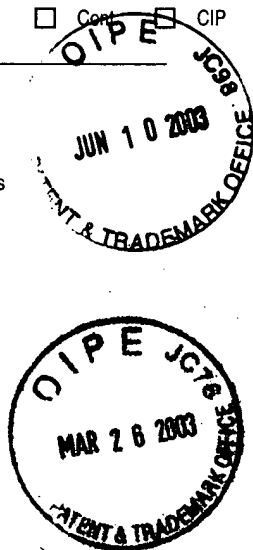
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CMS Descrip.: (10) IDS \$180.00

THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.

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Docket No.: 43890-449

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Hiddenori KAMEI, et al.

Serial No.: 09/680,943

Group Art Unit: 2823

Filed: October 10, 2000

Examiner: G. R. Fourson III

For: P-TYPE NITRIDE SEMICONDUCTOR AND METHOD OF MANUFACTURING THE
SAME

INFORMATION DISCLOSURE STATEMENT

Hon. Assistant Commissioner for Patents
Washington, DC 20231

Dear Sir:

In accordance with the provisions of 37 C.F.R. 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached form PTO-1449. It is respectfully requested that the documents be expressly considered during the prosecution of this application, and that the documents be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND before the mailing date of the first Office Action on the merits.

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Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



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Date: March 26, 2003

SERIAL NO.
09/680,943

APPLICANT
Hidenori KAMEI, et al.

FILING DATE
October 10, 2000

**GROUP
2823**

(PTO-1449)

NOIPE JUN 10 2003
PAT & TRADEMARK OFFICE

U.S. PATENT DOCUMENTS

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JUN 11 2003
TECHNOLOGY CENTER 2800

FOREIGN PATENT DOCUMENTS

| EXAMINER'S INITIALS | PATENT NO. | DATE | COUNTRY | CLASS | SUBCLASS | Translation | |
|---------------------|------------|----------|-----------------------------|-------|----------|-------------|----|
| | | | | | | Yes | No |
| G | 09040490 A | 02/10/97 | Japan (w/ English Abstract) | | | | |
| G | 10313133 A | 11/24/98 | Japan (w/English Abstract) | | | | |
| G | 11238692 | 08/31/99 | Japan (w/English Abstract) | | | | |
| G | 10135575 A | 05/22/98 | Japan (w/English Abstract) | | | | |
| G | 06326416 A | 11/25/94 | Japan (w/English Abstract) | | | | |

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

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EXAMINER

FOURSON

DATE CONSIDERED

8/22/08